

AMENDED IN ASSEMBLY JUNE 30, 2010
AMENDED IN ASSEMBLY JUNE 22, 2010
AMENDED IN ASSEMBLY JUNE 15, 2010
AMENDED IN ASSEMBLY JUNE 10, 2010
AMENDED IN ASSEMBLY JANUARY 11, 2010
AMENDED IN SENATE MAY 28, 2009
AMENDED IN SENATE APRIL 13, 2009

SENATE BILL

No. 435

**Introduced by Senator Pavley
(Coauthor: Senator Lowenthal)**

February 26, 2009

An act to add Section 27202.1 to the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 435, as amended, Pavley. Vehicles: pollution control devices.

(1) Existing federal regulations require a motorcycle manufactured on and after January 1, 1983, and exhaust emission systems for those motorcycles, to meet specified noise emissions standards and require that a label be affixed onto the motorcycle or exhaust emission system indicating that the motorcycle or exhaust emission system meets the noise emissions standards.

This bill would make it a crime for a person to park, use, or operate a motorcycle, registered in the state, that is manufactured on and after January 1, 2011 or a motorcycle, registered in the state, with aftermarket exhaust system equipment that is manufactured on or after January 1,

2011, that does not have the above label, and would make a violation of this provision punishable by a specified fine, thereby imposing a state mandated local program by creating a new crime. The bill would require the person to whom a notice to appear is issued, or against whom a complaint is filed, for the above violation, to provide proof of correction. *The bill would authorize a court to dismiss the penalty imposed for a first violation if the person produces proof of correction to the satisfaction of the court.*

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 27202.1 is added to the Vehicle Code,
2 to read:

3 27202.1. (a) Notwithstanding any other law, a person shall
4 not park, use, or operate a motorcycle, registered in the State of
5 California, that does not bear the required applicable federal
6 Environmental Protection Agency exhaust system label pursuant
7 to Subparts D (commencing with Section 205.150) and E
8 (commencing with Section 205.164) of Part 205 of Title 40 of the
9 Code of Federal Regulations. A violation of this section shall be
10 considered a mechanical violation and a peace officer shall not
11 stop a motorcycle solely on a suspicion of a violation of this
12 section. A peace officer shall cite a violation of this section as a
13 secondary infraction.

14 (b) A violation of this section is punishable as follows:

15 (1) For a first conviction, by a fine of not less than fifty dollars
16 (\$50), nor more than one hundred dollars (\$100).

17 (2) For a second or subsequent conviction, by a fine of not less
18 than one hundred dollars (\$100), nor more than two hundred fifty
19 dollars (\$250).

20 (c) (1) The notice to appear issued or complaint filed for a
21 violation of this section shall require that the person to whom the

1 notice to appear is issued, or against whom the complaint is filed,
2 produce proof of correction pursuant to Section 40150.

3 *(2) Upon producing proof of correction to the satisfaction of*
4 *the court, the court may dismiss the penalty imposed pursuant to*
5 *subdivision (b) for a first violation of this section.*

6 (d) (1) This section is applicable to a person operating a
7 motorcycle that is manufactured on or after January 1, 2011, or a
8 motorcycle with aftermarket exhaust system equipment that is
9 manufactured on or after January 1, 2011.

10 (2) Penalties imposed pursuant to this section are in addition to
11 penalties imposed pursuant to any other applicable laws or
12 regulations.

13 (3) This section does not supersede, negate, or otherwise alter
14 any other applicable laws or regulations.

15 SEC. 2. No reimbursement is required by this act pursuant to
16 Section 6 of Article XIII B of the California Constitution because
17 the only costs that may be incurred by a local agency or school
18 district will be incurred because this act creates a new crime or
19 infraction, eliminates a crime or infraction, or changes the penalty
20 for a crime or infraction, within the meaning of Section 17556 of
21 the Government Code, or changes the definition of a crime within
22 the meaning of Section 6 of Article XIII B of the California
23 Constitution.